

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5247 OF 2017

Charanjeetsingh Harchandsing Gill,
Proprietor of M/s.D.S.Gill and Co.

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Sushil Upadhyay i/by Mr.A.M.Saraogi, Advocate for Petitioner.
Mr.Ajay Patil, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 20th February 2023

PC :

1. Present Petition is under Article 226 of the Constitution of India for lodgment of crime on the basis of complaint dated 22nd October 2009 submitted to Park Site Police Station, Vikroli (West), Mumbai, on which cognizance has not been taken by Police Authorities.

2. It is the settled position of law and as has been reiterated by the Hon'ble Supreme Court in its decision in the case of *M.Subramaniam & another Vs. S.Janaki & another* reported in (2020)16-SCC-728 that, Petition under Article 226 of the Constitution of India for lodgment of crime is not maintainable.

3. In view thereof, learned Advocate for the Petitioner seeks leave to withdraw present Petition with liberty to file a private complaint if

so advised and as may be permissible under the provisions of law.

4. Leave and liberty granted subject to limitation as may be prescribed under Cr.PC or other provisions of law in force.

5. Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST